



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

April 8, 1958

Honorable Robert S. Calvert,
Comptroller of Public Accounts,
Capitol Station,
Austin, Texas

Opinion No. WW-410.

Re: Questions concerning
reimbursement to the
Central Multilith Ser-
vice, the Motor Pool
and the Central Supply
Service for transfers
made by the Board for
Texas State Hospitals
and Special Schools.

Dear Mr. Calvert:

You have requested that this office supplement Attorney General's Opinion No. WW-351 (1958). In that opinion it was held that the Board for Texas State Hospitals and Special Schools had the right to establish a Motor Pool, a Central Multilith Service and a Central Supply Service to be used by the institutions under its supervision, and that the statutory authorization for the creation of those various services is found in Section 2, Article 3174 (b), Vernon's Civil Statutes, which created the Board for Texas State Hospitals and Special Schools.

In that opinion request the following question was submitted but not answered:

"If transfers can not be made from the Board itself to an institution, how can the Central Multilith Service, the Motor Pool and the Central Supply Service be reimbursed?"

You state that you feel it is necessary that the above question be answered in view of Attorney General's Opinion No. WW-319 (1957), which contained the following language:

"It should be pointed out that the Salvage and Surplus Act of 1957, supra, specifically exempted only the State 'eleemosynary institutions'. This term was defined in Opinion WW-251, and does not include the Board for Texas State Hospitals and Special Schools per se.

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Therefore, the transfer of surplus property may be made from one institution to another, but not from the Board itself to an institution, or vice versa, since the property of the Board is covered by the Salvage and Surplus Act of 1957, and the powers of the Board are curtailed to that extent."

The above quoted opinion has no application to the Central Multilith Service, the Motor Pool and the Central Supply Service, for that opinion deals with surplus property. Surplus property is considered to be that property that is unneeded, unwanted or excess property. The supplies and equipment used by the Multilith Service, the Motor Pool and the Central Supply Service, cannot be considered surplus nor is there a transfer of this equipment or supplies when used by the various institutions.

The 55th Legislature, Regular Session, 1957, provided in the general Appropriation Bill a procedure by which each institution under the supervision of the Board for Texas State Hospitals and Special Schools would have the privilege of using the Motor Pool, the Central Multilith Service, and the Central Supply Service, and each institution would pay its pro rata share for the upkeep of such services.

Therefore, you are advised that Attorney General's Opinion WW-319 (1957) has no application to the Motor Pool, the Central Supply Service and the Multilith Service.

You are further advised that there is no transfer of property from the Board to one of the institutions located under its jurisdiction when one of the institutions avails itself of the Motor Pool, Multilith Service and Central Supply Service. The 55th Legislature in its appropriation bill provided a procedure to follow by which a Motor Pool, a Central Multilith Service and a Central Supply Service System could be established, wherein the various institutions could interchange supplies and equipment and pay their proportionate share of the costs of maintaining these services.

SUMMARY

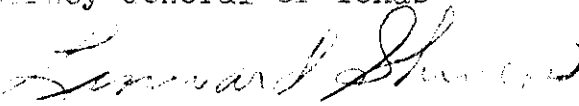
No transfer of property is made whenever institutions under the supervision of the Board for Texas State Hospitals and Special

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Schools avail themselves of the
Motor Pool, Central Multilith
Service and Central Supply Service.
Also, Attorney General's Opinion
No. WW-319 (1957) is not applicable
to the Motor Pool, Multilith Service
and the Central Supply Service.

Very truly yours,

WILL WILSON
Attorney General of Texas

By 
Linward Shivers
Assistant

LS:pf

APPROVED:

OPINION COMMITTEE

Geo. P. Blackburn, Chairman

Riley Eugene Fletcher
Ralph R. Rash
W. O. Shultz

REVIEWED FOR THE ATTORNEY GENERAL

By: W. V. Geppert.